

1901-018 Chancery Causes: Assign. of Elbert Bales vs. Adm. of Henry T. Edds & Co.
Lee Co.

Weston, Moore

CA-Debt
T-Property

To the Honorable W.T. Miller Judge of the Circuit Court of Lee County Va.

Humbly complaining, your orator R.C. Bales Assignee of Elbert Bales, sheweth unto your honor; that Henry T. Edds departed this life on or about the day of 1897; and was in his life time, and at the time of his death, justly and truly indebted to your orator in the principal sum of \$100.00, evidenced by the bond of the said Henry T. Edds executed on the 8th day of Sept. 1896, to Elbert Bales, and bearing interest from the 1st day of January 1897, and due and payable the 1st day of January 1898, and assigned by Elbert Bales to your orator on the day of 189 that no part of said bond has been paid to your ^{orator}, by Henry T. Edds before his death or by his Administrator since his death ~~Elbert Bales before the assignment to your orator;~~ ~~said bond is here filed with this bill marked "A" and asked to~~ **That the** said Henry T. Edds was, in his lifetime and at the time **of his** death, possessed of some personal estate, but not enough to pay all his just debts and funeral expenses; and, also was entitled and seized of considerable real estate, situated in Lee County, Va. and the bond here sued on, is the balance of the purchase price of a tract of land, purchased by Henry T. Edds in his life time from Elbert Bales, containing about 40 acres. That the said Henry T. Edds being so seized and possessed departed this life about the day of 189 , intestate without issue, leaving a widow, ^{Elizabeth} ~~Alice~~ Edds, and mother Amanda Bales, and brother Harrison Edds and sisters, Margaret Mure, Jela. Edds, Maud Edds who are entitled to such of his estate as may remain after the payment of all debts, expenses of Administration, &c; that due Administration of the estate of the said Henry T. Edds was duly granted by the County Court of Lee County to W.P. Weston Sheriff of said County, on the 21st day of March 1898. That the said intestates real estate consists of the 40 acre tract aforesaid, and a one-fifth undivided interest in the lands owned by his father Hewt Edds at the time of his death, which

considered

was about 150 acres.

That the said Amanda Bales and Harrison Edds hath become possessed of the whole of the said intestate's personal estate and that his real estate has ever since been in their possession and the rents and profits received by them for their own use. To the end therefore, that justice may be done in the premises your ^{orator} prays that W.P. Weston Administrator of the estate of Henry, T. Edds dec. ^{Elisabeth} Edds, Amanda Bales, Harrison Edds, ^{Margaret} ~~Margaret~~, ^{Mary} ~~Mary~~, ^{Ida} Edds, ^{Maud} Edds, the last four being infants under the age of 21 years; be made parties defendants to this bill and answer the same but not on oath that being waived; that a proper Guardian ad litem be assigned to answer and defend for the infants; that an account may be taken of all the debts due and owing by the said intestate at the time of his death and remaining unpaid; that an account may also be taken of the intestate's personal estate and effects, that should have come into the Administrator's hands; that in the event that the personal estate does not pay the decedent's debts, then the aforesaid real estate be sold to satisfy your orator's and other creditors debts; that the proceeds of the sale of the 40 acre tract be applied exclusively to the payment of your orator's purchase money bond which remains yet unpaid; And that your orator have all other further and general relief as his case may require or to equity shall seem meet. May it please, &c.

M. G. Ely Jr. -

(Entry)

R. C. Bales assignee. Plff
vs. E. E. Bill in Chancery -
W. P. Weston Adm. & Ad. D. G.

Plff Costs
Clerk 862
Tax 180
Sheriff

1898 1st May rules Spa 2nd
gr. home Deft & D. N. as
to them & D. P. for non-
resident

" 2nd May rules D. N. Confd
& Could for O.P.

" 1st June rules taken the
last Monday in May
O.P. Complete Cause set
for hearing

March term 1901 Decree
Final Order Book No 6
Page 498.

Plaintiffs Costs

Clerk	862
Tax	180
Shff	350
atty	1500
Comm	300
Printer	500
Estimated	500
Sub E	41162

By the first day of January 1898 I bind
myself to pay to Albert. Bales the sum
of One hundred Dollars bearing interest
from January 1st 1897 till paid for
value received witness my hand and
seal this September 18th 1896

This note is executed for the purchase
price of land

Henry T. Cobb

Seal

"D"

Cr. by cash paid by
Harrison & Hds. April, 7th
1898.

Edbert Bates

Virginia, In the circuit court for Lee county:

To the Hon.W.T.Miller, Judge of the said court:

The joint and separate answer of Harrison Edds, Margaret More, Ida Edds, and Maud Edds, infants under the age of twenty-one years, by L.T.Hyatt, their guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against them and others in said court by R.C.Bales, assignee of Elbert Bales.

Respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their said guardian ad litem, answer and say:

That they are infants of tender years, and by reason of their infancy, are incapable of understanding, or of taking care of their rights and interests. They, therefore, by their said guardian, commend themselves and their rights and interests to the protection of the court, and pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

L.T.Hyatt, Guardian ad litem for
Harrison Edds, Margaret More, Ida Edds
and Maud Edds, infants.

Virginia, County of Lee, to wit:

This day personally appeared before me, A.B.Munsey, Clerk of the Circuit Court for said county, L.T.Hyatt, guardian ad litem for Harrison Edds, Margaret More, Ida Edds and Maud Edds, whose answer is above written, and made oath that the statements contained in the said answer, so far as made of his own knowledge, are true; and so far as made from knowledge or information derived from others, he believes to be true. Given under my hand this June 6th 1898.

A.B.Munsey Clerk

R. C. Bales, Assignee &c.

v3 } In Chancery.

W. P. Weston, Admr.
&c et als.

Answer of Harrison
Edds, Margaret More
Ida Edds and Maud
Edds, by R. J. Ryan,
guardian ad litem

Filed in open Court
and by leave thereof
June 6th 1898
A. B. Munsey Clk

Fee \$5.00

R. C. Bales assignee Plff.
against 33 In Chancery
W. P. Weston Adm et al. Dfto

This cause came on this day to be heard
upon the papers formerly read in the cause,
the report of Commissioner M. G. Ely, and
was argued by counsel,

On consideration of which, ~~said report~~
the Court doth approve and confirm
said report, and doth file therewith
and it is further ordered and decreed that
J. C. Moore pay to M. G. Ely the sum of
\$5⁵⁰ for executing said deed, and that
the purchaser may withdraw said deed
for recordation, and the cause is
stricken from the docket,

R. b. Balsanigne Plff

vs ~~Deane~~ ~~Finch~~

Mr R Weston Admin et al

Entered on C. O. B. 6
P. 498.

Enter this

at a volume

March 6th, 1901,

R. L. Babs, Assg. Plff.
Against E. E. In Chancery -

W. P. Weston Attn et al. Defs.

This Cause came on this day to be heard upon the papers formerly read, the report of sale of M. G. Ely Commissioner and was argued by Counsel.
On consideration of which the Court doth approve and confirm said report, and said Commissioner will proceed to disburse the costs in his hands to the parties entitled thereto, and proceed to collect the purchase money as it falls due, and when said purchase money is paid in full Commissioner M. G. Ely will execute to M. G. Wolfenbarger the franchised deed, with comments of special warranty, to the lands franchised by him, and the Cause is ended.

R. C. Bales. Pythe
Ms. & Decece
W. D. Weston when
Eu. C. O. B. No. 6. p. 256.

Enter this

W. J. M.

March 3rd 1899

Virginia

At a Circuit Court continued and held for
Lee County at the Court house thereof on Friday
the 11th day of November 1898.

R. L. Bales assignee &c Plaintiff

vs

M. P. Weston Admro &c etal Defendants

In Chancery

This Cause came on this day to be heard
upon the papers formerly read in the Cause the
report of Special Commissioner H. C. Joslyn and
was argued by Counsel. On Consideration of
which said report having been filed more than
ten days and being unexcepted to, the Court doth
approve and confirm said report, and it is
further ordered and decreed that R. L. Bales
assignee recover of M. P. Weston Administrator
of the estate of H. T. Edds the sum of one hundred
dollars with interest thereon from the 1st day
of January 1898, Subject to a Credit of thirty dollars
as of the 7th day of April 1898, and the Costs of
this Suit, and that Dr L. S. Bales recover of
M. P. Weston Administrator of H. T. Edds decd
the sum of fifty dollars \$50.00, with interest
thereon from the 1st day of January 1898.

And it is further ordered and decreed that M. G.
Ely who is hereby appointed a Special Commis-
sioner for the purpose, do advertise and sell
at public auction to the highest bidder the lands

owned by H. T. Edds at the time of his death described in said bill and Commissioners report being one half of a forty acre tract and one fifth of 150 acre tract. Said Sale shall be at the front door of the Court house of Lee County, after having advertised the same for at least thirty days by written notices posted at the front door of the Court-house of Lee County and in the vicinity of said land. Said Sale shall be on some Court day on a Credit of one and two years, except Costs of Suit and Commissions of Sale which will be required paid down, and for the deferred payments said Commissioner will take bonds with approved security payable to himself, but said Commissioner Ely before acting hereunder will execute bond before the Clerk of this Court in the sum of One hundred and fifty dollars (\$150.00) Conditioned according to law. And the Cause is Continued.

A. Copy

Teste A. B. Munsey Clerk

R. C. Bales assignee
or } Copy of Decree

W. P. Weston Admro et al
Accepted Dec 19th 1898
By delivering a true
Copy of the within
Decree to Mr. G. Ely
in Lee County Va
W. P. Weston J. L. C.
Copy for
M. S. Ely

Clerk \$1.00

R. C. Bales assignee Deft.

vs. ~~EE~~
W. P. Weston admr et al Defts.

This cause came on this day to be heard upon the papers formerly read in the cause, the report of Special Commissioner N. C. Joslyn and was argued by counsel,

On consideration of which said report having been filed more than ten days and being unexcepted to, the court doth approve and confirm said report, And it is further ordered

and decreed that R. C. Bales assignee recover of ~~W. P. Weston admr et al~~
of the estate of N. J. Edds the sum of one hundred
dollars with interest from Jan. 1st. 1898 -

subject to a credit of (\$30) Thirty dollars. 00 of April 7th. 1898. And the costs of this suit, And

that Dr. L. S. Bales recover of W. P. Weston admr of N. J. Edds dec. the sum of (\$50) Fifty dollars - with interest from Jan. 1st. 1898 - And

it is further ordered and decreed that M. G. Ely who is hereby appointed a commissioner for the purpose, do advertise and sell at public Auction to the highest bidder, the lands owned by N. J. Edds at the time of his death, described in said bill and Commissioners report, being $\frac{1}{2}$ of a forty acre tract, and $\frac{1}{5}$ of 150 acre tract subject to widows dower on lost named tract, said sale shall be at the front door of the court house of Lee County, after having advertised the same for at least 30 days by

whether notice posted at the front door
of the Court house of Lee County and in
the vicinity of said land, said sale shall
be on some Court day, and a credit of
1 and 2 years except costs of suit and
commissions of sale, which will
be required paid down and for the
deferred payments said commissioner
will take bonds with approved
security payable to himself, but said
commissioner Ely before acting hereunder
will execute bond before the clerk
this Court in the sum of \$150, Conditions
according to law, and the cause is over

R. C. Babs assign
 co. Dene
 W. D. Mather adms

Eu. Corb. 65. 177

Phis

Enter This

71 2m

Nov. 11th 1898.

R. G. Bales assignee Plff.

vs. ~~E. E.~~ In Chancery.

M. P. Weston admr, et al's Defts.

This cause came on this day to be heard upon the bill of complainant, exhibits therewith the answer of L. J. Hyatt Guardian ad Litem, general replication thereto, process duly executed on the home defendants, and order of publication duly posted and published against the non-resident defendants, and was argued by Counsel.

On consideration of which said bill is taken for confessed as to the actual defendants, and H. B. Joslyn who is hereby appointed a commissioner for the purpose will take and state an account, showing the unpaid indebtedness of Henry T. Edde at the time of his death and report to a future term of this court and the cause is continued.

Ph. C. Bobs assignee

vs. E. E. Deere

W. P. Weston admr et

Ex. C. O. B. No 6 p 125

Enter This

W. F. M.

June 11th, 1898

R. C. Bales Assignee Refd.

^{v.s.}
W. P. Weston Admr. et al. Deft. } In Chy

To The Honorable W. T. Miller
Judge of the Circuit Court of Lee Co Va

Pursuant to a decree of your honor's
Court, rendered on the 11th day of June
1898. In which I was appointed a
Special Commissioner, to take and
state an account, showing the unpaid
indebtedness of Henry T. Edds. at
the time of his death. here on
this and other days performed that
duty, and beg to report as follows.

After giving due notice to all the
parties in interest, I have been
unable to find any debts owing
by Henry T. Edds at the time of his
death, except the bond sued
upon, for the sum of \$100.⁰⁰
with interest on the same from
the 1st day of Jan'y 1897, and on
which there is a credit of \$30, paid
April 7th 1898. I further ascertain that
at the time of his death, Henry T. Edds
owned $\frac{1}{2}$ of the 40 acres of land he
purchased from Robert Bales, and
for which this Note sued upon was
executed, and he also owned $\frac{1}{5}$
undivided interest in 150 acres

of land in Lee County. Subject to
the dower of Amanda Bales his
mother.

I am informed by W. P. Weston the
administrator that not one cent
of personal estate has come into
his hands. That he has made inquiry
and could find nothing belonging
to Henry D. Edds ^{with which} to pay this
or any other debt. Having therefore
performed the duty assigned me to
the best of my ability, I very
respectfully submit this my
report.

Oct 19th 1898.

Henry C. Forsgren
Special Commissioner

R. C. Bales Assignee
v. S.

W. P. Weston Adm et al.

Report of H. C. Forslyn
Special Commissioner

Filed Oct 20th 1898
A. B. Muncy Clerk

Comrs fee \$3.00

To the Honorable W.T. Miller Judge of the Circuit Court of Lee County
Virginia:

Your undersigned Commissioner, pursuant to the terms of a decree entered in the Chancery Cause of R.C. Miller Assignee etc. Against W.P. Weste Admr, and others pending in the Circuit Court of Lee County, proceeded on the 19th day of December 1898, to carry out the terms of the decree entered in said cause on the 19th day of Nov. 1898, after having advertised the time, terms and place of sale, I performed the duties of said decree by selling the lands in the bill and proceedings mentioned (the 19th being County Court day) at which sale M.G. Wolfenbarger became the purchaser he being the highest and best bidder at the price of \$132.00, said purchaser complied with the terms of the sale by paying your Commissioner the Costs and commissions of sale amounting to \$50.77, and executed his two several notes for the residue ^(\$136.78) due in one and two years from date bearing interest, with J.H. Parkey his Security, which your Commissioner deems good.

Respectfully Submitted,

M. G. Ely Commissioner.

R. C. Sales assignee -
vs. ~~E.~~ Report of sale -
W. P. Weston admin et al

Filed Feb'y 10 1899.
S. B. Murray

To the Honorable H. D. W. Sheen Judge of the Circuit
Court of Lee County Va.

Your undersigned begs leave to report, that in the
Chancery Cause of R. C. Bales assignee Plff. against
W. P. Weston admors ad. Dfts, pending in your honor-
able Court, M. G. Wolfenbarger, who purchased the lands
sold in the above styled Cause, transferred his bid
to J. C. Moore, who was the real purchaser, said
J. C. Moore has paid to your Commissioner the
entire purchase money, and is entitled to a deed
to said lands.

Respectfully Submitted

M. G. Ealy Commissioner

Your Commissioner begs leave to report that
he has executed to J. C. Moore a deed to the
lands purchased by him in this cause
and files the same herewith, for approval,

M. G. Ealy Com.

R. C. Bales Assignee Plff-
vs. J. Report of Commissioner
H. M. G. Baly -
H. R. Weston & Son et al. Defs

Filed March 6th 1901
A B Muncy Clerk

1897. The Estate of Henry Edds, deceased ;

To L. S. Bales; M. D., -----Dr.-----

May and June.

To medical attention, 30 visits, during his last illness, \$50.00

Interest from June 5th 1897.

Virginia, Lee County, to-wit:

I, C. C. Blankenship, a Notary Public in and for the County and ~~State~~ State aforesaid, do hereby certify that L. S. Bales, M. D., personally appeared before me this day, and made oath that the above account amounting to the sum of \$50.00 with interest thereon from the 5th day of June 1897, is just due and unpaid, and that he performed the services charged for in said account, *+ that said medical attention was during his last sickness.* Given under my hand, this the 28th day of June 1898.

C. C. Blankenship

Notary Public in and for Lee County, Virginia

By Said Henry Edds deceased

L. S. Balco, M.D.

against / of \$5000.

Estate of Henry E. E. E. E. E.

R. C. Bales Assignee Plff.
W. P. Weston Adm. et al. Defendants } 2d Chcy.

On the 11th day of June 1898,
I was appointed a Special Commissioner
by decree of the Circuit Court, of
Lee County, Virginia, in the
above styled Cause, to make and
state an account, showing the
unpaid indebtedness of Henry F.
Edds, &c. Notice is hereby given
to all persons interested in said
Cause, that I will execute said
decree on the 8th day of October
1898, at the Office of H. O. Ballou
in the Court House in Jonesville
Va. and will adjourn from time
to time, and from place to place
until my duties are finished.
This Sept 29th 1898.

H. C. Goslyn
Special Commissioner

R. C. Bales
Assignee

vs.

W. P. Weston Adm & als

Commissioners
Notice of
Taking Account

I accept legal
service of the within
notice. Sept 29 1898.

L. S. Hyatt, Guar-
dian ad litem

W. P. Weston
admr

M. G. Ely atty for Pff.

Bales
and

Western Schurze

Memoirs & Calculations
from

VIRGINIA:--In the Clerk's Office of the Circuit Court of the County of Lee
on the 25th day of April 1898.

R. C. Babo assignee

Against

Plaintiff

W. R. Weston, administrator and others

Defendant

The object of this suit is to marshall the assets of the estate of
Henry J. Edds Dec, and to recover of the said estate the
sum of \$100, in favor of the plaintiff, and to sell the
lands in the bill mentioned, to satisfy the same,
And an affidavit having been made and filed that the defendant Elizabeth Edds

is not resident of the State of Virginia, it is ordered that she do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further
ordered that a copy hereof be published once a week for four weeks in the South West Journal
and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the
county court.

A copy—Teste:

M. G. Ely.

P. Q.

A. B. Munsey

Clerk.

R. L. Bales

AGAINST }

ORDER
OF
PUBLICATION.

W. P. Weston, Admr. et al
M. G. Ely

P. Q.

Virginia Lee County, To-wit
J. A. B. Munsey Clerk of the
Circuit Court for Lee County
do hereby certify that I posted
a copy of the within order
at the front door of the Court
house of said County on
the 1st day of the May term
of the County Court of said
County
Given under my hand
this the 16th day of May
1898
J. A. B. Munsey Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

R. C. Bales assignee Plaintiff
against

M. P. Weston Admr et al Defendant &

In Chancery

This day M. H. Ely personally appeared
before me, A. B. Munsey Clerk of the said Court,
and being duly sworn, made oath that Elizabeth Edds
defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 25th day of April

A. B. Munsey Clerk

1898

R. L. Bales

vs. { AFFIDAVIT FOR ORDER
OF
PUBLICATION.

M. P. Weston Admr ^{et al}

M. G. Ely p. q.

Filed April 25th 1898
A. B. Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *W. P. Weston, Administrator*
of *Henry T. Edds, decd. Elizabeth Edds, Maud Edds,*
Harrison Edds, Ida Edds and Margaret Moore
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the
Rules to be holden for said court, on the *1st* Monday in *May*, 1898, to answer
a bill in Chancery exhibited against *them* in our court by
R. C. Bales assignee of Elbert Bales.

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of oursaid court at the court-house, the *14th* day of

April 1898, and in the 12^{*2nd*} year of the Commonwealth.

A copy—Teste:

A. B. Munsey Clerk,
A. B. Munsey Clerk.

vs. { SUBPENA
IN CHANCERY.

.....P. Q.

TO Rules.

CIRCUIT COURT.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *W. P. Weston Administrator*
of *Henry T. Edds, decd, Elizabeth Edds, Maud Edds,*
Harrison Edds, Ida Edds, and Margaret Moore
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the
Rules to be holden for said court, on the *1st* Monday in *May*, 189*8*, to answer
a bill in Chancery, exhibited against *them* in our court by
R. C. Bales assignee of Elbert Bales

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the *14th* day of
April 189*8*, and in the 12^{*nd*} year of the Commonwealth.

A copy—Teste:

Clerk,

A. B. Munsey Clerk.

Executed by delivering a copy of the within sums.
to W. P. Weston, Admr. on the 19th day of Apl. 1898 and
further executed by delivering copies to ~~Wm~~ and Eddo
Harrison Eddo, Ida Eddo and Margaret Moore
on the 21st day of Apl. 1898; Not executed as to
Elizabeth Eddo, she not being found in my bail-
wick.

W. J. Fanning Deputy Sheriff
for W. P. Weston, Sheriff Lee County, Va.

R. L. Bales assignee

SUBPENA

VS.

IN CHANCERY.

W. P. Weston Adm'r et al

M. G. Ely

P. Q.

To 1st May. 21

Rules.

CIRCUIT COURT.

VIRGINIA:—In the clerk's office of the circuit court of the county of Lee, on the 25th day of April, 1868:

R. C. Bales, assignee, pl'tff,
against
W. P. Weston, Administra-
tor, and others... Defts.

In Chancery.

The object of this suit is to marshal the assets of the estate of Henry T. Edds, deceased, and to recover of the said estate the sum of \$100 in favor of the plaintiff, and to sell the lands in the bill mentioned, to satisfy the same. And an affidavit having been made and filed that the defendant, Elizabeth Edds, is not a resident of the state of Virginia, it is ordered that she do appear here within fifteen days after due publication hereof and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Southwest Journal, and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the county court.

A copy—Teste: A. B. MUNSEY, Clerk.
M. G. Ely, p. q.

10

Printer's fee \$5-00

I, JOHN A. MAHONEY, publisher of THE

S.W. Journal
GATE CITY GAZETTE, a weekly newspaper

published at Gate City, Va., do hereby

certify that the appended advertisement

has been published in said newspaper for

four successive weeks. This 25 day

of May, 1898.

John A. Mahoney,
Publisher Gazette.
Ed. Journal.

THE GATE CITY GAZETTE,
ONLY PAPER PUBLISHED IN SCOTT COUNTY.
TERMS—ONE DOLLAR A YEAR, IN ADVANCE.

R. C. Bales vs W. P. Weston

Printed 5.00

Gate City, Va., 189